

Application No.: 09/682,630

RD-29,301-1

**REMARKS**

This case has been carefully reviewed in light of the Office Action of 4 February 2005, in which claims 35-43 and 52-58 were allowed; claims 44 and 51 were rejected under 35 USC 102(b) as being anticipated by Flinn et al., U.S. Patent No. 4,285,784; and claim 44 was rejected under 35 USC 102(b) as being anticipated by Hansen et al., U.S. Patent No. 3,779,728. In this response, claims 35, 43, 44, 52, and 56-58 have been amended, and claims 45 and 51 have been canceled. Claims 35-44, 46-50, and 52-58 remain pending in this application. Reconsideration in light of the following remarks is respectfully requested.

Applicants respectfully traverse the rejection of claim 44 under both Flinn et al. and Hansen et al. Applicants have amended claim 44 to incorporate the limitation, originally recited by claim 45 (now canceled), of "a metal selected from the group consisting of zirconium, hafnium, titanium, and mixtures thereof." This limitation is not taught, suggested, or disclosed by either applied reference. Moreover, claim 45, the source of this limitation, was noted by the Examiner as reciting allowable subject matter if rewritten in independent form including all of the limitations of base claim 44. For these reasons, Applicants respectfully submit that claim 44 and its pending dependent claims 46-50 are allowable over the applied prior art.

Applicants have canceled claim 51, rendering moot its rejection under Flinn et al.

Applicants have amended claims 35, 43, 44, 52, and 56-58 to recite that the alloy recited in each of these claims "is essentially free of L12 - structured phase at a temperature greater than about 1000°C." Support for this limitation is found in the originally filed specification, for example in the first sentence of paragraph [0018]. Applicants wish to respectfully note for the record their disagreement with the Examiner's interpretation of the originally recited limitation, but to avoid any misunderstanding Applicants have chosen to amend these claims in accordance with the intent for the limitation as clearly set forth in paragraph [0018].

Applicants note with appreciation the Examiner's allowance of claims 35-43 and 52-58, and his statement that claims 45-50 recite allowable subject matter. As noted

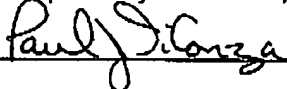
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above, Applicants believe claims 46-50 depend from an allowable base claim (claim 44) and are thus allowable over all cited prior art. Moreover, Applicants believe that the amendments made herein to allowed claims 35, 43, 52, and 56-58, do not substantively expand the scope or alter status of the claims, and that such claims remain patentably distinct over all cited prior art.

In view of the foregoing, which is believed to serve as a complete response to the subject Office Action, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested. If, however, any issues remain unresolved, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,



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